

Clean Lot.

ORDINANCE NO. 1-6

AN ORDINANCE ESTABLISHING A PROCEDURE TO KEEP THE TOWN LOTS CLEAN.

Be it ordained by the governing body of the municipality of Torrey Town:

**REAL PROPERTY TO BE KEPT CLEAN.** It shall be an infraction for any person owning or occupying real property to allow weeds to grow higher on such property than is permitted by this part or not to remove from any such property any cuttings of such weeds or any refuse, unsightly or deleterious objects after having been given notice from the health director as hereinafter provided.

**WEEDS - DEFINED.** Weeds shall include any vegetation commonly referred to as a weed, or which shall have been designated a noxious weed by the Utah commissioner of agriculture. It is hereby stated that the above stated weeds constitute a nuisance when they create a fire hazard, a source of contamination, or pollution of the water, air, or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life deleterious to humans or are unsightly or deleterious to humans or are unsightly or deleterious to their surrounding.

The cut weeds shall be removed from the premises within 24 hours after cutting.

**NUISANCES ON PROPERTY.** For the purpose of this part, the term "nuisance" is defined to mean any condition of use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly which includes, but is not limited to keeping or depositing on, or scattering over the premises any of the following:

1. Lumber, junk, trash, or debris.
2. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers.



**DUTY OF MAINTENANCE OF PRIVATE PROPERTY.** No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

**STORAGE OF PERSONAL PROPERTY.** Unsheltered storage of old, unused, striped and junked machinery, implements, equipment or personal property of any kind which is no longer safely usable for the purpose for which it was manufactured, for a period of 30 days or more (except in licensed junk yards) within this municipality, is hereby declared to be a nuisance and dangerous to the public safety.

**ABATEMENT OF NUISANCE BY OWNERS.** The owner, owners, tenants, lessees or occupants of any lot within this city on which such storage as defined in the foregoing section is made, and also the owner, owners or lessees of the above described personal property involved in such storage shall jointly and severally abate such nuisance by its prompt removal into completely enclosed and secured buildings to be used for such purposes, or otherwise to remove such property from the city.

**DANGEROUS BUILDINGS.** The "Uniform Code for the Abatement of Dangerous Buildings," 1985 Edition, printed as a code in book form by the International Conference of Building Officials (providing for a just, equitable and practicable method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished), a copy of which has been filed for use and examination by the public in the office of the recorder of this city, is hereby approved and adopted as the Abatement of Dangerous Building Code of this city.

All buildings or portions thereof which are determined after inspection by the Planning Commission to be dangerous, as defined in the Abatement of Dangerous Building Code, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with procedures specified in section 401 of the Abatement of Dangerous Buildings Code.



**NOTICES AND HEARINGS.** The Planning Commission or any person The Town Council chooses to designate shall enforce the provisions of this ordinance. The Planning Commission or any person The Town Council chooses to designate shall inspect or cause to be inspected, as they deem necessary all buildings, structures, lots or places for the purpose of determining whether such are in compliance with the provisions of this ordinance.

If the Planning Commission concludes there exists an objectionable condition in violation of this chapter, the Planning Commission shall:

1. Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist.
2. Serve notice in writing upon the owner and occupant of such premises, either personally or by mailing notice, postage prepaid, addressed to the owner and occupant at their last known address as disclosed by the records of the county assessor, requiring such owner or occupant, or both, as the case may be, to eradicate or destroy and remove the same within such time as the council may designate, provided that any person notified pursuant to this section, shall be given at least thirty days as determined by the council following the date of service of such notice to correct the objectionable condition. The notice shall:
  - a. Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists.
  - b. Inform the owner, occupant or other person that in the event he disagrees with the determination of the Planning Commission and does not wish to comply or disagrees with the factual or legal basis of the notice, he may request in writing a hearing before the Town Council at a time and place to be set by the Town Council. A written application for a hearing shall state the time within which the person must conform to the provisions of the notice.
  - c. Inform the person that in the event he fails or neglects to correct the objectionable condition, the city will correct the objectionable condition by employing all necessary assistance to cause such objectionable objects or conditions to be removed or destroyed or by a court action, in which case he will be assessed such costs together with reasonable cost of correcting the violation against the property as a tax.



3. In the event the owner or occupant makes such request for a hearing, the Town Council shall set the time and place for hearing objections and the clerk shall notify the owner, occupant, or other persons in writing of the time and place at which they may appear and be heard. The hearing shall not be heard within less than five days from the date of mailing of the notice of hearing.

**HEARING.** At the written request of an owner, occupant or other person having an interest in property which is the subject of notice to remove or abate weeds, objectionable conditions, or objects from the property, the Town Council shall conduct an informal hearing (which need not be reported) wherein such persons may present such present such evidence and argument as is pertinent to the question of whether or not the removal or abatement of the objects or conditions is properly within the purview of this chapter. The Town Council shall also permit the presentation of evidence and argument by other interested parties. Thereafter within not less than five nor more than ten days, the Town Council shall over the signature of the mayor or such other member of the Town Council as it may designate render its written decision, a copy of which shall be mailed to the owner or other person to whom original notice was given by the inspector.

In the event the decision of the Town Council upholds the determination of the Planning Commission, the notice originally given as above provided, shall be deemed to be sufficient to require the owner or occupant to remove or abate the objectionable objects or conditions, and he shall have up to thirty days from the date of notice of the decision within which to conform thereto, unless additional time is authorized by the Town Council.

In the event that the decision of the Town Council either overrules or modifies the determination of the Planning Commission, the written decision of the Town Council shall apprise the owner or occupant of that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of the objectionable objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the Town Council within thirty days after mailing of a copy of the decision, unless additional time is authorized by the Town Council.



**FAILURE TO COMPLY.** In any owner, occupant or other person having an interest in land described in such notice or decision to whom the notice was given shall fail or neglect to conform to the requirements thereof relating to the eradication, destruction or removal of such weeds, garbage, refuse, objects, or structures, the Town Council shall employ all necessary assistance to cause such objectionable objects or condition to be removed or destroyed at the expense of the city.

The Planning Commission shall prepare an itemized statement of all expenses incurred in the removal and destruction of nuisances, and shall mail a copy thereof to the owner or occupant or both or to persons having an interest in the property, demanding payment within twenty days from date of mailing. The notice shall be deemed delivered when mailed by registered mail addressed to the last known address of the property owner, occupant, or person having an interest in the property.

In the event the owner, occupant or person having an interest in the property, fails to make payment of the amount set forth in the statement to the city treasurer within the twenty days, the Town Council either may cause suit to be brought in an appropriate court of law or may refer the matter to the county treasurer as provided in this chapter.

In the event collection of expenses of destruction and removal are pursued through the courts, the city shall sue for and receive judgment for all of said expenses of destruction and removal, together with reasonable attorneys' fees, interest and court costs, and shall execute upon such judgment in the manner provided by law.

In the event that the elects to refer the expenses of destruction or removal to the county treasurer for inclusion in the tax notice of the property owner, the clerk shall make in triplicate an itemized statement of all expenses incurred in the destruction and removal of the same, and shall deliver the three copies of the statement to the county treasurer within ten days after the completion of the work of destroying or removing such weeds, refuse, garbage, objects or structures. Thereupon, the cost of the work shall be pursued by the county treasurer in accordance with the provisions of section 10-11-4, Utah Code Annotated 1953, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted.